

## **Introduction**

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In July 2016, law academics, practitioners and observers were gathering in Wellington, New Zealand, to take part in two related conferences, Pasifika Law and Culture, and ALTA (Australasian Law Teachers Association). We were all looking forward to meeting again with Dr Guy Powles who was so much associated with both of these meetings, and who was scheduled to present two papers. Word then reached us that Guy was too unwell to make the journey, and Tony Angelo of VUW and Jennifer Corrin of UQ were delegated by Guy to undertake these presentations on his behalf. We were all sorry, but not greatly alarmed to hear this, because Guy had been ill before, but seemed to have recovered. It was with very great shock, therefore, that we heard, after we had returned to our respective homes, that Guy had died barely two weeks after the conclusion of the Conferences.

There was then much discussion, especially amongst those who had been present at the Conferences, as to what should be done to honour the work and inspiration of Guy Powles. We, Jennifer Corrin, Sue Farran and Don Paterson, who were much involved with the Journal of South Pacific Law, after consultation with Maureen, Guy's wife, and various former colleagues, decided that one way in which we could make some worthwhile contribution to remember and honour our former colleague was to publish a special edition of the Journal of South Pacific containing contributions by people who had known and worked with Guy.

This collection of reminiscences, reflections and articles celebrates the life of Guy Powles, Pacific scholar, colleague and friend. The collection opens with a piece by Guy's son Charlie, who speaks for the family and the legal community of which Guy was so much part. This is followed by an historic background piece on one of the Pacific countries with which Guy had a long affiliation, notably Samoa. Sir Kenneth Keith's piece, which he acknowledges as only a partial history, highlights the randomness of so much history, the significance of individuals and the many ways in which the past remains present, particularly in the law. The third contribution in this collection, by Don Paterson, takes us back to Guy's early life as a law student and a reflection on how legal education, with which as Charlie reminds us, Guy was associated for so much of his life, has changed.

The fourth contribution in this collection is by Mere Pulea who worked with Guy on two of the early seminal texts for students of Pacific law and indeed for practitioners and others interested in the region: *Pacific Courts and Justice* (co-edited with the late Ron Crocombe) and *Pacific Courts and Legal Systems*. The importance of these works is highlighted in many of the contributions in this issue. Mere's article reminds us of the continuing need for law and legal systems to change and adapt to meet the needs of contemporary society. In the Pacific, as elsewhere, society has changed and the challenge of addressing these changes particularly in family law is the focus of Mere's chapter. The fifth contribution by Michael Ntummy reminds us of Guy's range of interests in matters legal and Pacific. In particular, we are reminded of Guy's contribution to that encyclopaedic collection of wisdom edited by Michael and others: *South Pacific Islands Legal Systems*, which was published by the University of Hawaii Press in Honolulu, Hawaii, in 1993. Guy's influence was not only generic, it was also very specific and he had a significant influence of law reform in particular countries.

Mele Tupou's piece on constitutional reform in Tonga is a reminder of Guy's contribution to law reform, especially his article 'Testing Tradition in Tonga; Approaches to Constitutional Change' ((2007) 13 *Revue Juridique Polynésienne*) and the sensitivities with which he approached matters held dear to the hearts of Pacific people. The constitutional change in Tonga discussed by Mele illustrates very clearly the subtitle of this collection: 'Reflections on the Relationship between Modernity and Tradition in the South Pacific.' The relationship between these two is not always an easy one and as seen in the case of Tonga, change is not welcome by all and in small communities can be easily misconstrued or fail to live up to expectations. Arguments in favour of modernity or in favour of tradition can be divisive and are also open to manipulation. Iati Iati's paper on land reform in Samoa illustrates a number of these points and presents the author's views on a controversial topic. The reasons why tradition or custom can present challenges for modernity are clearly illustrated by a further paper on Samoa, that of Asofou So'o. From the complexities of the cases described it is easy to understand both why traditionalists worry about the loss of custom and customary knowledge, and why modernists want to see change.

As Mele and others contributing to this collection suggest Guy has shown us '*the capacity of an individual to make significant contribution*'. Katy Le Roy's article on Nauru which

is the ninth contribution in this collection, also underlines the importance of Guy's work. Katy furnishes fascinating insights into Guy's work as a law commissioner. Her article demonstrates the added value that his expertise in comparative constitutional law and, more particularly, his extensive knowledge of the operation of Pacific constitutional systems in theory and in practice, brought to the challenges confronting Nauru. While Guy was no doubt disappointed by the path that Nauru eventually took, he would have been interested by developments in another part of the region: Tokelau. In the tenth work in this Special Issue, Tony Angelo updates us on developments in judicial activity in this sparsely populated Pacific Island. His detailed survey across the villages of Tokelau provides us with a living example of the comment in *Pacific Courts and Legal Systems* that 'Each Pacific country is developing a unique amalgam of local and foreign precedents in creating its own system of justice'.

The eleventh piece in this collection by Tuiloma Neroni Slade, draws together many of the threads of Guy's life captured in the preceding contributions. We are reminded of Guy's close links with Samoa, his work in Tonga and his advocacy for legal services and legal training in the Pacific region, including his lobbying of the Commonwealth organisations and his work in shaping legal education at the University of the South Pacific. A practical example of Guy's legacy to legal education is provided by Anita Jowitt. Guy might have been a little surprised – and perhaps quietly pleased – by the evolution of his view that Pacific law graduates should be able to address critical Pacific legal policy issues into a set of core minimum standards for testing legislation. However, he would no doubt approve of the basic principle that '*The legal system and laws within it must be responsive, understood, fair, effective, appropriate and available*'.

It was not just through commissions, courts and universities that Guy promoted Pacific legal thinking. He was an active supporter of various academic organisations and societies that brought together Pacific scholars and researchers. Jennifer Corrin in her paper, which is the penultimate in this collection, reminds us of his active role in the development of the South Pacific Legal Studies Interest Group, within the Australasian Law Teachers Association, which acknowledged his contribution by the award of Honorary Life Membership. His contribution to the Australian Association of Pacific Studies and his support of the student centred Pasifika conference is also highlighted in Jennifer's piece.

This special issue closes with two remembrances. The first by Tamasailau Suaalii-Sauni eloquently pays special tribute to Guy's work in Samoa. The final words are from colleagues of Guy's at Monash University which sums up his academic and personal contribution, a legacy which will continue to enrich many lives for years to come.

In bringing together this collection certain liberties have been taken with the academic rigour of this journal. Our aim, as editors, was to bring together a broad spectrum of contributors – some of whom volunteered, some of whom were invited, to reflect on the many dimensions of Guy's reach and influence. It is a mixture of article, reminiscences and Pacific points of view. As editors we did not always agree either on content or form, but we were inspired by two things: the recollection that Guy was always unfailingly polite and courteous even when he disagreed with the views being advanced; and his celebration of Pacific diversity and the need to acknowledge difference. We hope that this special issue has something for everyone, and for those who had the privilege to meet Guy, that it brings back warm memories. For those who did not have this privilege, we hope that this introduction to Guy's work motivates you to become more familiar with his scholarship, and that his influence will continue to inspire Pacific research, writing and reflection on the laws and legal systems of the region.